

Amendment No. 3 to SB0168

Cooper
Signature of Sponsor

AMEND Senate Bill No. 168*

House Bill No. 170

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting the preamble, the enacting clause, and all amendatory sections of the introduced bill below the caption and substituting the following:

WHEREAS, the state of Tennessee is blessed with a bounty of natural resources; and

WHEREAS, farming is a noble and vital profession within the state of Tennessee; and

WHEREAS, an important part of modern farming is the use of pesticides; and

WHEREAS, the misapplication of pesticides creates a potential threat to human life and health; and

WHEREAS, the general assembly is equally concerned with protecting the livelihood of farming, the health of farmers and the health of members of the rural general public; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and cited as the "Tennessee Aerial Spraying Protection Act of 2005".

SECTION 2. Tennessee Code Annotated, Section 43-8-301, is amended by designating the existing language as subsection (a), and by adding the following language as a new subsection (b):

(b) It is the intent of the general assembly by enacting this part to ensure that farming with pesticides, herbicides, insecticides, fungicides and rodenticides is done in a safe manner without unnecessary threat to human life and health.

This part should be interpreted to further that end.

SECTION 3. Tennessee Code Annotated, Section 43-8-312, is amended by designating the present language as subsection (a) and by adding the following language as a new subsection (b):

(b) Aerial applicators applying pesticides in the state of Tennessee shall notify the public of an aerial spraying action prior to the pesticide application no later than the day the pesticide application is to be made. Public notice shall be through Public Service Announcements (PSA) in newspapers of general circulation or radio stations in the county in which the application is to be made. Applicators shall fax the PSA to both the media outlet and to the department of agriculture. The PSA shall include the name of the landowner and the location of each intended pesticide application as well as the name or names of the pesticide or pesticides to be sprayed. The PSA shall also include the department of agriculture's toll free hotline and website for reporting problems with pesticide exposure by aerial drift.

SECTION 4. Tennessee Code Annotated, Title 43, Chapter 8, Part 3, is amended by adding a new section as follows:

43-8-315. The department shall maintain a current registry of pesticide-sensitive persons, beekeepers, and certified organic farms. Upon request, the department shall register any person who pays annually a twenty-five dollar (\$25.00) registration fee and submits certification for an organic farm, documentation from a licensed physician stating the persons' sensitivity to pesticides, or documentation of beekeeper status. The department shall notify all licensed aerial applicators twice yearly, before and mid-spraying season, of the name, address, telephone number, e-mail address and fax number of those persons registered as beekeepers, organic farmers and pesticide sensitive with the department. This notification shall include the following language:

The department of agriculture requires aerial chemical applicators to contact, prior to applying pesticides by air, all individuals who reside in the general location where pesticides will be applied by air and who are on the registry of pesticide-sensitive persons, beekeepers, and certified organic farms maintained by the department.

This notice shall include a phone number for the applicator. Individuals shall be notified using a fax or e-mail so that the individuals receive the notification prior to application. The communication shall be copied to the department of agriculture.

SECTION 5. Tennessee Code Annotated, Title 43-8-306, is amended by designating the present language as subsection (a) and by adding the following language as a new subsection (b):

(b) Licensed aerial applicators shall not directly apply pesticides by air within one hundred feet (100') of any residence, nor within three hundred feet (300') of school buildings, public parks and playgrounds, hospitals, nursing homes, houses of religious worship, or any building, other than a private residence, which is used for business or social activities, nor within three hundred feet (300') of registered certified organic farms, registered beekeepers, or registered chemically sensitive persons.

SECTION 6. This act shall take effect July 1, 2005, the public welfare requiring it.